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Paper No. 30

JUL 19 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO IL 60690-1135

In re Application of
Ryoichi Shimizu
Application No. 08/883,322
Filed: June 26, 1997
For: **SELECTABLE RECORDING FRAME
RATE VIDEO TAPE RECORDER**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a response to the petition to Withdraw the Holding of Abandonment, filed June 23, 2005 pursuant to 37 C.F.R. § 1.181. No fee is required.

This application became abandoned for failure to timely submit the issue fee due to the Notice of Allowance mailed February 11, 2005. A Notice of Abandonment has not yet been mailed.

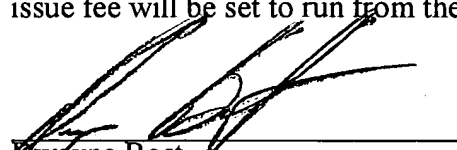
Petitioner asserts that the Notice of Allowance mailed February 11, 2005 was never received. In support therefore, Petitioner attests that the Office communication (Notice of Allowance) was not received at the correspondence address, and that a search of the contents of the file jacket and docket records reveal no evidence of receipt. Copies of the docket records have also been included to corroborate petitioner's claim.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has met the requirements set forth above.

The petition is **GRANTED**.

Since it has been established that the Notice of Allowance was not received, it is presumed that Applicant also failed to receive the Notice of Allowability and examiner's amendment. The application file will be forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and Issue Fee Due, as well as a copy of the Notice of Allowability and the examiner's amendment. The three (3) month non-extendable time period for paying the issue fee will be set to run from the mailing date of the new Notices.


Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications